

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

September 24, 2026

Case Number: 2026-CZN-846 / 2026-CPL-846

Property Address: 5611 Michigan Road

Location: Washington Township, Council District #2

Petitioner: National Veterinary Associates, by Russell Brown

Current Zoning: C-S

Request: Rezoning of 3.04 acres from C-S district to C-S district to provide for a veterinarian office.

Approval of a Subdivision Plat to be known as DRG Michigan Road, dividing 3.04 acres into two lots.

Current Land Use: Undeveloped.

Staff Recommendations: Approval of the rezoning request and the plat petition.

Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

This is the first hearing on these petitions.

STAFF RECOMMENDATION

Staff recommends that the Hearing Examiner approve and find that the plat, file dated August 6, 2026, complies with the standards of the Subdivision regulations, subject to the following conditions:

1. That the applicant provides a bond as required by Section 741-210, of the Consolidated Zoning and Subdivision Ordinance.
2. Subject to the Standards and Specifications of Citizens Energy Group, Sanitation Section.
3. Subject to the Standards and Specifications of the Department of Public Works, Drainage Section.
4. Subject to the Standards and Specifications of the Department of Public Works, Transportation Section.
5. That addresses and street names, as approved by the Department of Metropolitan Development, be affixed to the final plat prior to recording.
6. That the Enforcement Covenant (Section 741-701, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording.
7. That the Site Distance Covenant (Section 741-702, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording.
8. That the Sanitary Sewer Covenant (Section 741-704, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording.

9. That the Storm Drainage Covenant (Section 741-703, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording.
10. That the plat restrictions and covenants, done in accordance with the rezoning commitments, be submitted prior to recording the final plat.
11. That all the standards related to secondary plat approval listed in Sections 741-207 and 741-208 of the Consolidated Zoning and Subdivision Ordinance be met prior to recording the final plat.
12. That the plat shall be recorded within two (2) years after the date of conditional approval by the Hearing Examiner.

Staff recommends approval of the rezoning request, subject to the following commitment being reduced to writing on the Commission's Exhibit "B" form at least three days prior to the MDC hearing:

A tree inventory, tree assessment and preservation plan of all existing trees over 2.5 inches in diameter, shall be prepared by a certified arborist and shall be submitted for Administrator Approval prior to preliminary plat approval and / or prior to any site preparation activity or disturbance of the site. This plan shall, at a minimum: a) indicate proposed development; b) delineate the location of the existing trees, c) characterize the size and species of such trees, d) identify all heritage trees, e) indicate the wooded areas to be saved by shading or some other means of indicating tree areas to be preserved and f) identify the method of preservation (e.g. provision of snow fencing or staked straw bales at the individual tree's dripline during construction activity). All trees proposed for removal shall be indicated as such.

PETITION OVERVIEW

This 3.04-acre site, zoned C-S, is undeveloped and surrounded by religious uses to the north, zoned D-2; commercial uses to the south, zoned C-S; undeveloped land to the east, zoned C-S; and commercial uses to the west, zoned C-S.

This site was included in petition 2012-ZON-070 that rezoned 20.827 acres to the C-S district to generally provide for C-3 uses.

PLAT

This request would provide for approval of a Subdivision Plat, to be known as DRG Michigan Road, dividing 3.04 acres into two lots.

Site Plan

The northern parcel (C1), comprised of 1.15 acres, would be developed with a 4,030-square-foot building, with a 3,358-square-foot future addition.

The proposed parking lot, that fronts on the access road, would provide for 19 spaces, with a future expansion of 21 spaces to the north.

Access to the site would be from a shared drive along the internal access road, bisected by the shared property boundary between the two lots.

Lot C2, comprised of 1.89 acres, is undeveloped, except for the shared access drive along the western boundary and share boundary.

Streets

No new streets are proposed. Access to the site would be from an existing internal access road that intersects with Kessler Boulevard West Drive to the north and connects to the circulation system within this integrated commercial center to the west and south.

Sidewalks

A five-foot-wide sidewalk is proposed along the western frontage of Lot C1. Development of C2 would require sidewalks when developed in the future.

Waivers

None.

REZONING

The request would rezone the site from the C-S (Special Commercial) district to the C-S district to renovate the two existing hotels to provide for multi-family uses. "The C-S District is designed to permit, within a single zoning district, multi-use commercial complexes or land use combinations of commercial and noncommercial uses, or single-use commercial projects. The primary objective of this district is to encourage development which achieves a high degree of excellence in planning, design or function, and can be intermixed, grouped or otherwise uniquely located with maximum cohesiveness and compatibility. The district provides flexibility and procedural economy by permitting the broadest range of land use choices within a single district, while maintaining adequate land use controls. The C-S District can include high-rise or low-rise developments, can be applied to large or small land areas appropriately located throughout the metropolitan area, and can be useful in areas of urban renewal or redevelopment."

The Comprehensive Plan recommends community commercial typology for the site.

Recommended land uses in this typology include small- and large- scale offices, retailing, and personal or professional services; small- and large- scale schools, places of worship, neighborhood serving institutions / infrastructure, and other places of assembly; and small-scale parks.

As proposed, this request would align with the Plan recommendation. The community commercial typology is contemplated to be consistent with the C-3 (neighborhood commercial) or the C-4 (community-regional) zoning districts, depending upon the location and the surrounding land uses.

C-S Statement – August 6, 2026

The proposed C-S Statement would allow a veterinarian office as a permitted use, in addition to the currently permitted uses that are generally C-3 uses as approved in the 2012 C-S Statement.

Overlay

The site is also located within the environmentally sensitive areas overlay, specifically the Forest Alliance Woodlands (high quality woodlands). “Overlays are used in places where the land uses that are allowed in a typology need to be adjusted. They may be needed because an area is environmentally sensitive, near an airport, or because a certain type of development should be promoted. Overlays can add uses, remove uses, or modify the conditions that are applied to uses in a typology.”

“The Environmentally Sensitive Areas (ES) Overlay is intended for areas containing high quality woodlands, wetlands, or other natural resources that should be protected. The purpose of this overlay is to prevent or mitigate potential damage to these resources caused by development. This overlay is also appropriate for areas that present an opportunity to create a new environmental asset. This overlay is not intended for the preservation of open space.”

Tree Preservation / Heritage Tree Conservation

There are significant amounts of natural vegetation and trees (Forest Alliance Woodlands) located throughout the site. Due to their inherent ecological, aesthetic, and buffering qualities, the maximum number of these existing trees should be preserved on the site.

All development shall be in a manner that causes the least amount of disruption to the trees.

A tree inventory, tree assessment and preservation plan of all existing trees over 2.5 inches in diameter shall be prepared by a certified arborist and shall be submitted for Administrator Approval prior to preliminary plat approval and / or prior to any site preparation activity or disturbance of the site. This plan shall, at a minimum: a) indicate proposed development, b) delineate the location of the existing trees, c) characterize the size and species of such trees, d) identify all heritage trees, e) indicate the wooded areas to be saved by shading or some other means of indicating tree areas to be preserved and f) identify the method of preservation (e.g. provision of snow fencing or staked straw bales at the individual tree's dripline during construction activity). All trees proposed for removal shall be indicated as such.

If any of the trees are heritage trees that would be impacted, then the Ordinance requires that the Administrator, Urban Forester or Director of Public Works determine whether the tree(s) would be preserved or removed and replaced.

The Ordinance defines “heritage tree” as a tree over 18 inches Diameter at Breast Height (DBH) and one of the Heritage tree species. Heritage tree species include: Sugar Maple (*Acer saccharum*), Shagbark Hickory (*Carya ovata*), Hackberry (*Celtis occidentalis*), Yellowwood (*Cladrastus kentukea*), American Beech (*Fagus grandifolia*), Kentucky Coffeetree (*Gymnocladus dioica*), Walnut or Butternut (*Juglans*),

Tulip Poplar (*Liriodendron tulipifera*), Sweet Gum (*Liquidambar styraciflua*), Black Gum (*Nyssa sylvatica*), American Sycamore (*Platanus occidentalis*), Eastern Cottonwood (*Populus deltoides*), American Elm (*Ulmus americana*), Red Elm (*Ulmus rubra*) and any oak species (*Quercus*, all spp.)

The Ordinance also provides for replacement of heritage trees if a heritage tree is removed or dies within three years of the Improvement Location Permit (ILP) issuance date. See Exhibit A, Table 744-503-3: Replacement Trees.

Planning Analysis

As proposed this rezoning would be consistent with the Comprehensive Plan recommendation of community commercial.

When this site was rezoned in 2012, proposed uses were generally those uses permitted in the C-3 district at that time, which did not include a veterinarian's office. The Ordinance required a C-4 district for veterinarian office use.

When the Ordinance was updated in 2016, animal care, boarding, and veterinarian services are now permitted uses in the C-3 district. Consequently, staff finds that the proposed use would be appropriate and supports the request, subject to the submittal of a tree inventory, tree assessment and preservation plan.

GENERAL INFORMATION

Existing Zoning	C-S	
Existing Land Use	Undeveloped	
Comprehensive Plan	Community Commercial	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
	North: D-2	Religious uses
	South: C-S	Commercial uses
	East: C-S	Undeveloped land
	West: C-S	Commercial uses
Thoroughfare Plan		
5611 Michigan Road	Primary Arterial	Existing 108-foot right-of-way and proposed 120-foot right-of-way.
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	Yes – Environmental Sensitive (ES) Area	
Wellfield Protection Area	No	
Site Plan	August 6, 2026	
Site Plan (Amended)	N/A	

Elevations	N/A
Elevations (Amended)	N/A
Landscape Plan	N/A
Findings of Fact	N/A
Findings of Fact (Amended)	N/A
C-S/D-P Statement	August 6, 2026

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

The Comprehensive Plan recommends Community Commercial. The Community Commercial typology provides for low-intensity commercial, and office uses that serve nearby neighborhoods. These uses are usually in freestanding buildings or small, integrated centers. Examples include small-scale shops, personal services, professional and business services, grocery stores, drug stores, restaurants, and public gathering spaces.

Pattern Book / Land Use Plan

The Comprehensive Plan consists of two components that include The Marion County Land Use Pattern Book (2019) and the land use map. The Pattern Book provides a land use classification system that guides the orderly development of the county and protects the character of neighborhoods while also being flexible and adaptable to allow neighborhoods to grow and change over time.

The Pattern Book serves as a policy guide as development occurs. Below are the relevant policies related to this request:

Conditions for All Land Use Types – Community Commercial Typology

- All land use types except small-scale parks and community farms/gardens in this typology must have adequate municipal water and sanitary sewer.
- All development should include sidewalks along the street frontage.

Large-Scale Offices, Retailing, and Personal or Professional Services (defined as commercial uses with minimal outdoor operations, storage, or display on lots more than 1.5 acres and a height of more than 35 feet.)

- Should be located along an arterial street.
- Outdoor display of merchandise should be limited.
- If adjacent to residential uses or a Living Typology, outdoor display of merchandise is not recommended.

- If proposed within one-half mile along an adjoining street of an existing or approved residential development, then connecting, continuous pedestrian infrastructure between the proposed site and the residential development (sidewalk, greenway, or off-street path) should be in place or provided.
- Should be no larger than 25 acres with 125,000 square feet of floor space and no more than three out lots.

Overlay modifications for Environmentally Sensitive Areas

- Any development impacting wetlands or **high-quality woodlands** should include a one-for-one replacement of such features. Additionally, development should preserve or add at least 20% of the entire parcel as tree canopy or naturalized area.

Red Line / Blue Line / Purple Line TOD Strategic Plan

Not Applicable to the Site.

Neighborhood / Area Specific Plan

Not Applicable to the Site.

Infill Housing Guidelines

Not Applicable to the Site.

Indy Moves

(Thoroughfare Plan, Pedestrian Plan, Bicycle Master Plan, Greenways Master Plan)

The Marion County Thoroughfare Plan (2019) “is a long-range plan that identifies the locations classifications and different infrastructure elements of roadways within a defined area.”

The following listed items describe the purpose, policies and tools:

- Classify roadways based on their location, purpose in the overall network and what land use they serve.
- Provide design guidelines for accommodating all modes (automobile, transit, pedestrians, bicycles) within the roadway.
- Set requirements for preserving the right-of-way (ROW).
- Identify roadways for planned expansions or new terrain roadways.
- Coordinate modal plans into a single linear network through its GIS database.

ZONING HISTORY

2020-ZON-075; 5555 and 5611 Michigan Road, requested rezoning of 7.1 acres from the C-S district to the C-S district to provide for self-storage facilities as a permitted use in addition to the uses previously approved by 2012-ZON-070, **withdrawn**.

2012-ZON-070; 5555-5609 Michigan Road and 1857 Kessler Boulevard, West Drive, requested rezoning of 20.827 acres, from the D-2 and SU-34 Districts to the C-S classification to provide for C-3 commercial uses, with prohibited uses, **approved**.

2009-ZON-047; 5555 Michigan Road, requested rezoning of 17.8 acres, from the SU-34 District, to the C-3C classification to provide for corridor commercial uses, **withdrawn**.

98-UV2-76; 5555 Michigan Road; requested variance of use of the Special Districts Zoning Ordinance to provide for philanthropic and educational uses, **approved**.

VICINITY

2008-DV3-021; 5620 Michigan Road (northwest of site), requested variance of development standards to provide for a drive-through for a restaurant within 60 feet of a protected district, **granted**.

2006-ZON-129; 1950 Kessler Boulevard West Drive (north of site), requested rezoning of 0.805 acre from D-2 and C-3 to C-3, **approved**.

98-UV2-76; 5555 Michigan Road (subject site), requested variance of use of the Special Districts Zoning Ordinance to provide for philanthropic and educational uses, **approved**.

96-SE3-3; 1849-1857 Kessler Boulevard West Drive (abutting site to north), requested special exception of the DDZO to provide for a church, **granted**.

94-UV2-93; 5602 Michigan Road (abutting site to west), requested variance of use to provide for the continued operation of a motor vehicle repair facility in an existing building, **granted**.

91-UV1-124; 5659 Michigan Road (abutting site to northwest), requested variance of use to provide for an automatic car wash within 175 feet of a residential district, **granted**.

62-Z-75; 5669 and 5685 Michigan Road (west of site), request rezoning of 1.60 acres, being in the R-2 district to the B-4 classification to permit the location and operation of a gasoline service station, **approved**.

EXHIBITS

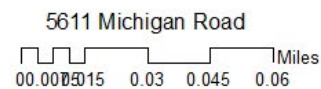


EXHIBIT A

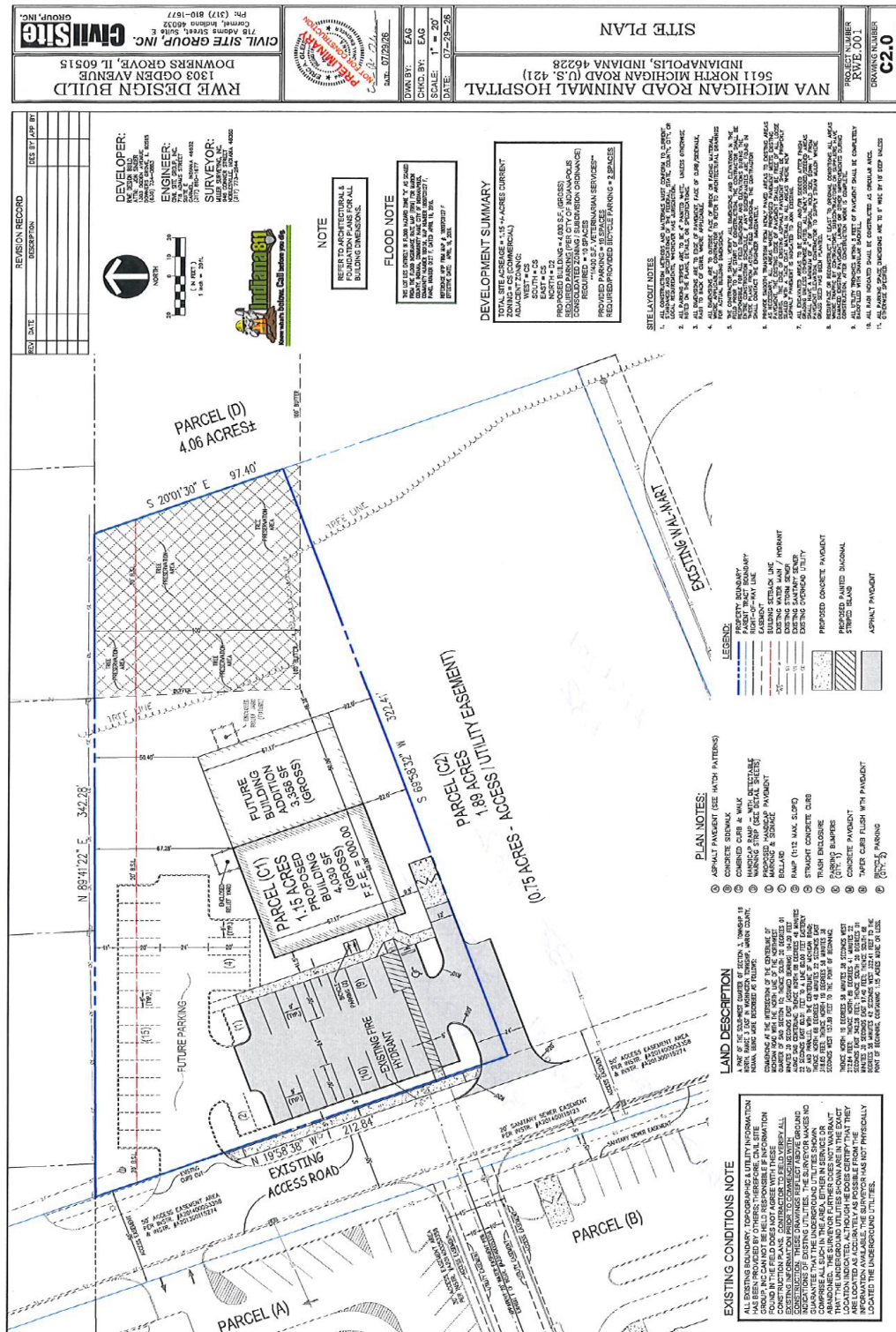
Heritage Tree Conservation

Removal of any Heritage Tree is prohibited unless any of the following determinations are made before removal:

1. The Administrator or the city's Urban Forester determines that the tree is dead, significantly and terminally diseased, a threat to public health or safety, or is of an undesirable or nuisance species.
2. The Director of the Department of Public Works determines that the tree interferes with the provision of public services or is a hazard to traffic.
3. The Administrator determines that the location of the tree is preventing development or redevelopment that cannot be physically designed to protect the tree.
4. The site from which the tree is removed is zoned D-A and the tree is harvested as timber or similar forestry product.

Table 744-503-3: Replacement Trees		
Size of tree removed or dead (inches)	Number of Trees to be planted to replace a Heritage Tree	Number of Trees to be planted to replace an existing tree
Over 36 DBH	15	10
25.5 to 36 DBH	11	8
13 to 25 DBH	8	6
10.5 to 12.5 DBH	6	4
8.5 to 10 DBH	5	4
6.5 to 8	3	2
4 to 6	2	2
2.5 to 3.5	1	1





Highland Kessler Commons
A Neighborhood Grocery Market Development
CS Site and Development Plan
2026 Update to Add Veterinarian Office as Permitted Use

The proposal is an amendment to the 2012 commercial special development, affecting approximately 1.15 acres of the northwest portion of the subject property to provide for a veterinarian clinic as a permitted use.

2026 Veterinarian Office site plan: (see attached Exhibit "A")

General:

All utilities shall be underground.

No cell towers shall be permitted.

Music may be presented externally only so that its sound will not emanate beyond the subject premises and only during business hours.

List of C- 3 Uses from the Ordinance:

- (1) Any use permitted in the C-1 District (except convalescent or nursing home, assisted-living facility, day care center).
- (2) Automobile oil change or lubrication shops, subject to the provisions of section 732-203(b)(1)f.
- (4) Coupon or trading stamp redemption service.
- (5) Drinking place (no dancing or entertainment), subject to the provisions of section 732-203(b)(1)e., including:

- a. Bar
- b. Tavern

Any such bar or tavern shall be required to provide and sell a full lunch and dinner menu and shall operate in a first class manner. Examples of such would be: Binkley's Bar and Grill (located on College) and Georges (located on Binford Blvd) to name a few.

- (6) Eating place, any type of restaurant, subject to the provisions of section 732-203(b)(1)e.
- (7) Emergency shelter.
- (8) Outdoor advertising signs, subject to the sign regulations of Chapter 734 of this Code.
- (9) Parcel packing/mailing service (excluding industrial).
- (10) Personal service establishment, including the following:
 - a. Barber shop
 - b. Beauty shop

- h. Card store
- i. Computer or computer software store
- j. Department store, any type
- k. Drapery/curtain store
- l. Drug store
- m. Fabric store
- n. Food store, any type, including: Bakery; Candy, nut or confectionery stores;
Convenience market, subject to the provisions of section 732-203(b)(1)f; Deli;
Grocery store; Produce, fruit, fish or meat markets
- o. Floor covering store, including: carpet, linoleum, tile
- p. Florist (including telegraph service)
- q. Frame shop
- r. Furniture store, any type
- s. Gift shop
- t. Hardware store
- u. Hobby, toy or game shop, including: Arts and crafts shop
- v. Hospital and sick room sales/rental and equipment
- w. Jewelry store
- x. Liquor store (package), subject to the provisions of section 732-203(b)(1)e.
however such liquor store will be prohibited from selling lottery tickets and shall
be required to carry and sell a wide range of wine and wine products.
- y. Luggage and leather goods
- z. Music store, new or used, including: Musical instrument store, Record, tape or
compact disc store, Sheet music store
- aa. Office supply store
- bb. Optical goods store
- cc. Paint or wallpaper store
- ee. Pet grooming
- ff. Pet obedience school
- gg. Pet shop
- hh. Pool and billiard table store
- ii. Radio, television or consumer electronics store
- jj. Religious goods store
- kk. Second hand store (excluding automotive or building materials)
- ll. Stationer
- mm. Telephone store
- oo. Trading stamp center
- pp. Trophy shop
- qq. Typewriter shop
- rr. Variety store

Gasoline Service Stations, Check cashing or validations services, Pawn
Shops, mortuaries and/or funeral homes, Adult Book Stores/shops, Adult
Entertainment Businesses, Auctions Rooms, Firearm/Gun Shops,

Substance Abuse Clinics/Facilities, Firework Sales, and Motels shall also be precluded as permitted uses.

(15) Schools, including:

- a. Art
- b. Barber college/school
- c. Beauty or cosmetology college/school
- d. Dance
- e. Karate or martial arts
- f. Photography

(16) Singing society.

(17) Social club, membership.

(18) Temporary seasonal retail sales use, subject to the provisions of section 732-214(f).

(19) Other uses similar and comparable in character to the above permitted uses such as branch banks / restaurants with drive thrus.

(20) Accessory uses and structures, subordinate, appropriate and incidental to the above permitted primary uses, including supportive services directly related to and located in the same building with the primary use, shall be subject to the requirements of section 732-203(b)(1)g.

(21) Temporary structures, including fences, walls, buildings, barricades and similar temporary structures incidental and necessary to the development of land

(22) Veterinarian Office

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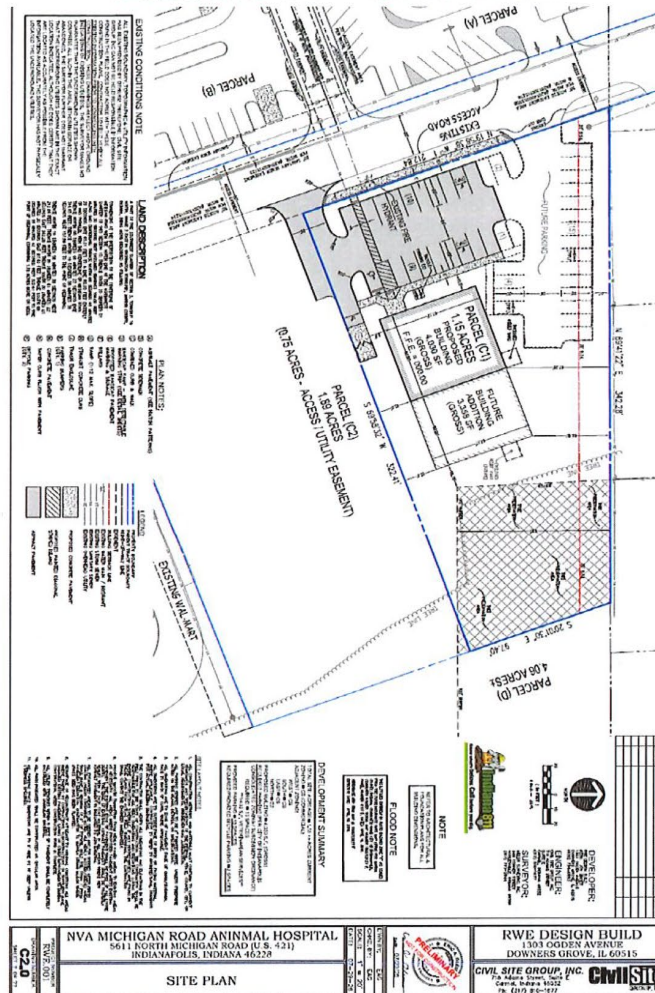
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Exhibit A – Site Plan





View looking south along north / south access road



View looking north along north / south access road



View of site looking east across north / south access road



View of site looking southeast across north / south access road



View of site looking east across north / south access road



View of site looking north across drive along southern boundary



View of site looking north across drive along southern boundary